



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Cheryl Driskell

plaintiff,

-against-

CV11 Index # 4915

VERIFIED COMPLAINT

JURY TRIAL DEMAND

New York City,  
N.Y.C. Board of Education,  
United Federation of Teachers (UFT),  
Ellen Carlisle, Principal,  
Portia Campbell, Assistant Principal,  
Paula Bell, Assistant Principal,  
Ms. Carrington,  
Rick King,  
Brenda Hawkins Pegan,  
Walter O'leary,  
Howard Solomon, et. al.

Defendants,

COGAN, J.

PLAINTIFF

Cheryl Driskell  
2102 Beverly Road # 2L  
Brooklyn, New York 11226

DEFENDANT(S)

Paula Bell  
Public School # 6  
43 Snyder Avenue  
Brooklyn, New York 11226

Walter O'leary  
52 Broadway  
New York, New York

Howard Solomon  
335 Adams Street  
Brooklyn, New York

Brenda Hawkins Pegan  
341 Wyona Street  
Brooklyn, New York 11207

Rick King  
335 Adams Street  
Brooklyn, New York 11201

Ms. Carrington  
Public School # 6  
43 Snyder Avenue  
Brooklyn, New York 11226

New York City  
Corporation Counsel for the  
City of New York  
100 Church Street  
New York, New York 10007

N.Y.C. Board of Education  
52 Chambers Street  
New York, New York 10007

Ellen Car;os;e  
Public School # 6  
43 Snyder Avenue  
Brooklyn, New York 11226

Portia Campbell  
1004 Schenck Avenue  
Brooklyn, New York 11207

This action is filed in the United States District Court, Eastern District of New York. The basis of the jurisdiction is that the complained of violations occurred in Kings County, New York at Public School # 6, 43 Snyder Avenue, Brooklyn, New York 11226 and other places in Kings County. This is a Federal Question action pursuant to 42 U.S.C. SEC. 1983, Civil RICO under 18 U.S.C. 1964 and 443 Civil Rights Violation: discrimination because of national identity.

This action is a RICO CONSPIRACY claim against defendants acting under color of state law. This action is against defendants New York City for respondeat

superior Liability and failure to supervise; Board of Education for respondeat superior liability, failure to properly train and supervise and failing to provide due process and equal protection under the law to plaintiff plus other wrongs; United Federation of Teachers for breach of contractual obligation to protect and defend the rights of member(s) and failure to represent plaintiff plus other wrongs; Public School Principal Ellen Carlise for Conspiracy to terminate, making false statements, perjury, fraud and defamation of character plus other wrongs; Public School Assistant Principal Portia Campbell for Conspiracy to terminate, making false statements, perjury, fraud and defamation of character plus other wrongs; Public School Assistant Principal Paula Bell for Conspiracy to terminate, making false statements, perjury, fraud and defamation of character plus other wrongs; Public School Teacher Angela Carrington for Conspiracy to terminate, making false statements, perjury, fraud and defamation of character plus other wrongs; United Federation of Teachers representative Rick King for Conspiracy, making false statements, perjury, fraud and breach of contractual obligation plus other wrongs; United Federation of Teachers representative Walter O'leary for Conspiracy, making false statements, perjury, fraud and breach of contractual obligation plus other wrongs; United Federation of Teachers representative Brenda Hawkins Pagan for Conspiracy, making false statements, perjury, fraud and breach of contractual obligation plus other wrongs.

#### **STATEMENT OF CLAIM**

1. Defendant New York City has failed to properly train, appoint competent supervisors and allowed defendants at Public School # 6 to run the school as if it was their personal domain to administrate as they see fit. There were incidents of sexual abuse among children that was covered up by school administrators who are immigrants and ran the school outside the scope of the rules and procedures of the Board of Education.
2. Defendant Board of Education has failed to properly train, appoint competent supervisors and allowed defendant at Public School # 6 to run the school as if it was their personal domain to administer as they see fit. All the defendants were acting under the color of State law and did violate the civil rights of plaintiff.
3. Defendant United Federation of Teachers has failed to honor their contractual obligation to plaintiff as a member of the

rank and file of the Union (UFT). Union Representatives Rick King, Walter O'leary, Brenda Hawkins Pegan and Howard Solomon failed to properly defend, represent and protect the rights of plaintiff in all proceedings conducted by defendant Board of Education and its agents. Union Representatives failed to investigate, obtain relevant documents and conspired with other defendants, acting under the color of state law, to terminate plaintiff's employment without just cause and by fraudulent means without proper due process.

4. I, Cheryl Driskell worked for the New York City Board of Education for nineteen (19) years. The last eight (8) years, I worked at the Norma Adams Clemmons Academy in Brooklyn, New York as Title 1 literacy Paraprofessional. This is a pull out program based in an office in the school. Principal Ellen Carlisle and Assistant Principal Portia Campbell came to work at P.S. 6 after the passing of Principal Adams. Even though the union advised the Paraprofessionals not to volunteer for lunch duty, the new administrators became very hostile and retaliatory when I didn't volunteer.
5. After being assigned in the Title 1 reading program for over eight (8) years, I was unceremoniously reassigned to work in the Special Education Class. This was the first time I had worked in a classroom setting in over ten (10) years. There had apparently been an incident of a sexual nature between Two (2) students from two separate classes and the teachers and the administrators set out to cover up the incident. A "GAG" order was issued by Principal Ellen Carlisle. Several Teachers had been issued "GAG" orders.
6. There had apparently been a sexual interaction between two (2) male students in the boy's bathroom. The Administrators had decided that they "were not going to report the incident."
7. I Cheryl Driskell, refused to abide by this "GAG" order and voiced that the administration cannot do that; That it is against the law. I, Cheryl Driskell also intimated that the children may need therapy and that I would report it "anonymously."
8. This comment was the beginning of a conspiracy amongst the defendants that continued for years with incidents of harassment, retaliation, intimidation, violation of my union rights, duties, civil rights and a conspiracy to have I, Cheryl Driskell terminated from employment.
9. Ellen Carlisle, Portia Campbell and Paula Bell, acting under the color of State law, began a systematic pattern of harassment and intimidation

aimed at this plaintiff another teacher Ms. Crevecoeur to keep her quiet about the sexual incident. These acts culminated in Ms. Crevecoeur having a nervous breakdown and being taken away from the school in an ambulance whimpering and crying.

10. After Ms. Crevecoeur left, the administrators: Ellen Carlisle, Portia Campbell and Paula Bell turned there criminal tactics towards I, Cheryl Driskell. I was assigned two children the following year 2006/07 school year: One a little girl and the other a little boy. At this time, the administration, acting under the color of state law, began to instruct me to do work that was not in my job or union description. When I refused these duties, they took it as an affront and carried on a pattern of harassment, threats, and intimidation and union violations which culminated in my illegal termination.

11. As the administration, acting under the color of state law, conspired against I, Cheryl Driskell, I was abruptly and without notice transferred to a troubled boy in Ms. Olliierre's classroom that no one could "get through to and whose mother had given Ms. Logan –his prior Para – permission to discipline him. It was said she was "the only one that could control him." Astriade Victor Cook – Shadane's mother wanted him to remain in the care of Ms. Logan, but Principal Ellen Carlisle refused saying: "ain't anybody coming in my school and tell me how to run it." Shadane Cook was in need of constant supervision and attention.

12. Ellen Carlisle, Portia Campbell and Paula Bell, acting under the color of State Law, continued to harass, intimidate, threaten and violate I, Cheryl Driskell's union rights as well as my substantive rights in their attempt to "show me that things have to run their way or I had to go." Through all these acts I Cheryl Driskell had done an excellent job with Shadane Cook and there was a great improvement in his school work and his behavior. But at times, he would lose focus and return to his bad behavior.

13. In School Year 2007/08, I, Cheryl Driskell was again assigned to Shadane Cook and praised for the "impossible" job I had accomplished working with Shadane Cook. It was then that I was told about a reassignment. That Angela Carrington was pregnant and that she had fell while preparing her classroom days before school even started. This sounded like an untruth but I never made it my business. They seemed to be running the School like their personal Fiefdom.

14. Angela Carrington couldn't walk up and down the stairs, so someone had to bring the class up and down. It was known that I, Cheryl Driskell had a leg problem and a doctor's excuse against using the stairs. As expected, Shadane Cook was reassigned to Angela Carrington's third grade classroom. Shadane Cook reads on a K – 1 level and he was being transferred to Angela Carrington's gifted, accelerated, third grade class. He didn't know his letter and vowel sounds. His mother was notified about the change and wanted him to be moved to another class and believed that Angela Carrington's class was too hard for him.

15. The first day in Angela Carrington class was unforgettable as she gave the class three (3) assignments to complete. She spoke, wrote and erased rapidly. It was impossible for Shadane Cook to keep up. During the class, Angela Carrington was abusive to the children: she yells at them, "What is this stupidness?" She slams books down on the desk and the kids jump startled. I complained to co-workers that "I was stunned by the way she spoke to the class.? She was very negative and abusive and her action was obviously criminal. I sat there with my mouth open as she told the children: "She hates the class; hates coming to work; warned them that she 'SLAPS CHILDREN.'" She threw a book at a little boy; but it just barely missed him. He went home and told his mother, who sent a letter the following day saying, "she didn't like what Angela Carrington had done.

16. On Monday of the new week, Angela Carrington asked me, "Where you come from? I told her "I am American." She said she thought I was "Haitian." There seem to be a fraternity of West Indian administrators and teachers that felt they could run the school as if they were in the West Indies where corporal punishment is permissible. Following the conversation, Angela Carrington started making discriminatory statements about Americans in my presence. She began a pattern of discrimination towards I, Cheryl Driskell and the students in the classroom. Whenever the students did anything she didn't like, she would tell them, "They were acting like Americans." Angela Carrington, acting under the color of state law, carried on a pattern of ethnic discrimination towards I, Cheryl Driskell. At one time I stood up and told the class that, "People misbehave in every country."

17. All these acts of discrimination and harassment culminated in Angela Carrington, acting within her capacity as a teacher and under the color of state law, punching Shadane Cook in the classroom and in the presence of I,

Cheryl Driskell and the students in the classroom. During this time, Principal Ellen Carlisle, Assistant Principal Portia Campbell and Assistant Principal Paula Bell, acting in their individual capacity and under the color of state law, continued a conspiracy of harassment, retaliation and intimidation aimed at I, Cheryl Driskell by assigning me work I was not authorized to perform and would get angry when I refused. Then they would make threats that: "you won't be here for long, this is our school and we do what we want."

18. As the retaliation escalated Assistant Principal Portia Campbell scheduled a meeting to discuss rules and responsibilities of a Special Education Paraprofessional. I notified the Union Representatives assigned to me about these incidents and the violations being committed against my person. The Union Representatives seemed to be aware of the activities of the administrators in P.S. 6. As it was apparently an ongoing condition within the facility.
19. The Union Representatives: Rick King, Brenda Hawkins Pagan, Walter O'leary and Howard Solomon took no actions to protect my substantive rights, as well as my Union rights for which I was entitled. Additionally, they seem to enter the conspiracy to violate my civil rights, my due process and equal protection of the law. Union Representatives allowed the discrimination, harassment, intimidation, fraud and ultimately my illegal termination to go unchallenged.
20. On October 11, 2007 a meeting was held with Ellen Carlisle, Union Representative Brenda Hawkins Pegan, Portia Campbell and I, Cheryl Driskell. Portia Campbell addressed the assembled by stating: "We are here today to discuss responsibilities and duties of Special Education Paraprofessionals. Portia Campbell continued that, "Angela Carrington and she had been watching me, Cheryl Driskell and that I was not helping Shadane Cook. These were obviously lies and a continuation of the conspiracy and pattern of harassment and intimidation as Shadane Cook's behavior and class work had tremendously improved since working with I, Cheryl Driskell. They then had Shadane Cook and Angela Carrington join the meeting without the consent of his parents. They then addressed the issue of lunch duty for which the meeting was actually called. I steadfastly refused to do duties that were not in my work description and for this reason I was targeted for termination.

21. Brenda Hawkins Pegan, Walter O'leary, Rick King and Howard Solomon, Union Representatives, failed to protect my rights and conspired with Ellen Carlise, Portia Campbell, Paula Bell, Angela Carrington and others in a conspiracy to intimidate, threaten, harass and terminate me from my job. The Union Representatives assured me that they would take care of these illegal actions being taken against me. They never did, thus violating my substantive Procedural due process rights and denying me the equal protection of the laws.
22. On October 29, 2007 Shadane Cook was in a foul mood and I kept trying to coax him into doing his work but he refused. It was during this time that Angela Carrington balled up her fist and punch Shadane Cook on his shoulder: I was shocked. Shadane Cook did not return to school right away but stayed home one (1) day. When He returned to school he told me he had not told his mother because she would not believe him anyway. I said but Angela Carrington hit you. He said no, she "punched me." I then reported this incident to Assistant Principal Paula Bell.
23. Assistant Principal Paula Bell told me to put the incident in writing. I made a written statement and gave it to Paula Bell. She said she would give the letter to Principal Ellen Carlisle. Paula Bell commended me on my work with Shadane Cook. I asked Paula Bell what about the mother? She should be told what had happened. Paula Bell told me, "I can handle the mother. I was thinking about putting him in Special Education next year, it's about time I had a meeting with his mother anyway." She then made a cryptic offer to me: "You could have any assignment for the next two years. Plus it's your word against Angela Carrington's -word." She ended this meeting with, "keep this between us." I walked out of the meeting and told everyone that I encountered.
24. The Union Representatives advised me to tell Principal Ellen Carlisle what had occurred in the meeting with Paula Bell. I then sent Principal Ellen Carlisle an E-mail and she responded saying: "Thanks for the information." On November 2, 2007 while walking to the cafeteria I saw Ms. Bolger who told me that "it was all over the school about Angela Carrington hitting shadane Cook. She then told me "they are setting you up, be careful and what is Brenda Hawkins Pegan doing to protect you?"
25. Principal Ellen Carlisle conspired with Astriade Victor Cook, shadane Cook's mother because a meeting was scheduled for November 16, 2007 to discuss allegations by Astriade Victor Cook that I was not helping Shadane

Cook with his work and that I was involving him in adult issues. In other words, she had given the administration permission to hit Shadane Cook and that it was an adult matter and I should "mind my own business."

26. Shadane Cook was assigned to another Paraprofessional and Shadane Cook began fighting everyday and being very disruptive and disrespectful within the classroom setting. The new Paraprofessional Ms. Orconoleo told me that, "she was going to ask for a change in assignment because Shadane Cook's behavior was so bad she couldn't take it much longer." I asked her if they were asking her to work in groups, do classroom work and lunch duty and she said they didn't ask her to do anything except watch Shadane Cook. This was proof that I was being harassed when the administration kept insisting that I perform the same duties they told Ms. Orconoleo she didn't have to perform.
27. I Cheryl Driskell was told that Astriade Victor Cook was brought to the school for three (3) days straight until she signed the agreed to letter presented by Principal Ellen Carlisle. During this period, Principal Ellen Carlisle, Assistant Principal Portia Campbell, Assistant Principal Paula Bell, Angela Carrington and others were walking around the school warning everyone "to stay out of it."
28. The Administration, acting under the color of state law and conspiring, then made the false determination that I, Cheryl Driskell had told Shadane Cook to lie about Amgela Carrington punching him. My Union Representative Brenda Hawkins Pegan made no attempt to protect my rights even given the fact that the Union was aware of the pattern of harassment, intimidation, threats and other violations I, Cheryl Driskell was experiencing at the hands of these defendants. I was denied my substantive due process as well as my procedural due process rights as the Union Representatives did not produce any incident reports about Shadane Cook getting punched by Angela Carrington or any report involving the sexual incident prior to that. I received ineffective assistance from the Union Representatives assigned to protect my rights. During the grievance process entered by I, Cheryl Driskell I received no adequate and effective assistance from Brenda Hawkins Pegan, Rick King, Walter O'leary and Howard Solomon and all my grievances were ignored and I was terminated from my unblemished employment of nine-teen (19) years. During my grievance process all the defendants, acting under the color of state law, that testified made false statements, misrepresented the facts, perjured themselves and

conspired to cover up the events above mentioned. At no time did my Union Representatives make an independent investigation and present the facts for a fair hearing. All my rights to a fair impartial hearing were violated as was my civil rights by all actors.

### **INJURIES**

29. I Cheryl Driskell was illegally terminated from my employment of nineteen (19) years without having a fair and partial hearing and being afforded the due process of the law and the equal protection of the law. These being substantive injuries that are continuing to date.
30. I, Cheryl Driskell as a full fledge member of the rank and file of the United Federation of Teachers (UFT) I was entitled to the legal representation of the Union and to make all efforts to afford me the equal protection guaranteed by the Union Charter as well as the Constitution of the United States of America.
31. Defendants have caused plaintiff emotional trauma, loss of wages, illegal termination without just cause, pain and suffering and defamation of character.
32. Defendants have caused plaintiff to be unemployed since this illegal termination that has defamed my character and caused emotional trauma, pain and suffering.
33. To this date, plaintiff has been injured beyond repair and continues to be without gainful employment because of defendant's conspiracy and the damage therefrom.

### **RELIEF**

**WHEREFORE**, plaintiff demand that defendant pay compensatory damages in the amount of **\$7, 500,000, 000.00**; plaintiffs demand punitive damages in the amount of

**\$7,500,000.00...Total: \$15,000,000.00 triple damages....for encroachment upon the private rights of plaintiff by their conspiracy to damage, defame and terminate my employment. Additionally, if there is a question of the statute of limitation in this matter, plaintiff respectfully request that the court toll the statute of limitation in the interest of justice and because plaintiff is a non attorney that was unaware of the statutory time restrictions in a federal action.**

**I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.**

DATED: BROOKLYN, NEW YORK

SEPTEMBER 29, 2011

Signed this 29 day of September 2011

October Cheryl Driskell

Cheryl Driskell (Propri -Personna)

2102 Beverly Road #2L

Brooklyn, New York 11226

718-812-9366